



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

May 19, 1998

Ms. Kimberley Mickelson
Olson & Olson Attorneys
Three Allen Center
333 Clay Street, Suite 3485
Houston, Texas 77002

OR98-1246

Dear Ms. Mickelson:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 115634.

The City of Friendswood (the "city") received a request for various information concerning complaints regarding streetlights on Pine Hollow Street or the Coward Creek subdivision. You assert that one document is excepted from required public disclosure based on sections 552.101, 552.103 and 552.107 of the Government Code.

Section 552.107(1) of the Government Code, which essentially incorporates the attorney-client privilege into the Open Records Act, states that information is excepted from required public disclosure if

it is information that the attorney general or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Texas Rules of Civil Evidence, the Texas Rules of Criminal Evidence, or the Texas Disciplinary Rules of Professional Conduct.

This office applies this exception only to information that reveals attorney advice and opinion or client confidences. *See* Open Records Decision No. 574 (1990). Client communications regarding the subject matter of the representation are within the attorney-client privilege. *See id.* at 3. We have reviewed the subject document and conclude that it is excepted from required public disclosure based on section 552.107(1).

In light of our conclusion under section 552.107, we need not address your other claims at this time. We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in cursive script that reads "Kay Hastings".

Kay Hastings
Assistant Attorney General
Open Records Division

KHH/rho

Ref.: ID# 115634

Enclosure: Submitted document

cc: Mr. Bob Hammond
1104 Pine Hollow
Friendswood, Texas 77546
(w/o enclosure)